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Chief Justice George Delivers Annual State of the Judiciary Address to Legislature

Top Jurist Thanks Lawmakers for Support on Key Issues; Advocates Other Actions to Improve Access to Justice

Sacramento – In his 12th annual “State of the Judiciary” Address to the Legislature, California Chief Justice Ronald M. George yesterday thanked state lawmakers for their broad support of the courts in the past decade, but noted that more needs to be done to ensure access to justice for all Californians.

“Over the past decade, the judicial branch of our state has become stronger and more effective – not only because of our own efforts to improve our service to the public, but also because of the great assistance provided by the other two branches of government,” the Chief Justice declared.

At the courts’ request, the Legislature last year created 50 urgently needed new judgeships, increased judicial compensation, and enacted legislation that will ease the transfer of state court facilities from county to state ownership.

Due to continuing caseload growth and population increases throughout the state, the state’s top jurist renewed his call for an additional 100 judgeships over the next two years to provide access to justice for the public.

“The gap between expanding caseloads and the number of judges available to handle them has continued to grow, adversely affecting the administration of justice,” Chief Justice George stated. “Courts have been forced to shut down civil courtrooms – in some cases countywide – because criminal cases facing dismissal have priority under the law and there was an insufficient number of judges to handle all the cases.”

In Riverside County, one of the most affected counties due to its enormous population growth, all civil courtrooms were closed for several

weeks – for two years in a row.

Judicial Retirement System

Chief Justice George also told lawmakers that one of the major problems affecting the ability to attract the most qualified and diverse pool of applicants to the courts is the Judicial Retirement System (JRS II) available to judges appointed after 1994.

One of the most restrictive programs in the public sector, the plan generally requires judges to serve for 20 years and reach age 65 before they receive a definite benefit.

“We want to attract and retain individuals from the public and private sectors at the height of their legal careers and take advantage of their skills for a sustained period,” the Chief Justice declared. “None of us expect to become wealthy entering public service, but we are losing too many excellent candidates. And we are also seeing many judges leave the bench early to provide for their families.”

Trial Court Facilities

Turning to the state’s courthouses, Chief Justice George asked legislators for their “continued assistance in making progress toward our goal of providing safe and secure court facilities for all Californians.”

The Chief Justice reported that last year’s passage of Senate Bill 10 has resulted in great progress in the transfer of court facilities from the counties to state governance. The Administrative Office of the Courts is actively negotiating with all 58 counties and hopes to complete the transfer of up to 100 of California’s 451 court facilities by this summer, and an additional 200 by July 2008.

But the Chief Justice noted that many California courthouses are still unsafe and plagued with dangerous fire conditions, inadequate security, and seismic deficiencies. Many facilities are incapable of meeting the requirements of the Americans with Disabilities Act. “The deficiencies in our court facilities threaten the thousands of Californians who each day enter our courthouses to pay a traffic ticket, to obtain an official document, to seek dissolution of a marriage, to determine child custody, to adjudicate other legal claims, to testify as a witness, or to serve as a juror.” he said. “They also threaten the persons who work in the courts – judges, staff, and lawyers.”

Self-Represented Litigants

The Chief Justice declared that the “most challenging issue for the courts in the coming decade” is the needs of self-represented litigants, which continue to increase throughout the state.

“In some counties, litigants appear without an attorney in 85 to 90 percent of family law and landlord/tenant matters,” he noted. “The costs to the judicial system and to the public are high – impairing the ability of courts to efficiently process heavy caseloads, and eroding the public’s confidence in our judicial system.”

At the courts’ request, the Governor has proposed a \$5 million pilot program to make legal representation available in a limited number of civil cases when the judge determines critical rights and issues are at stake, the Chief Justice reported. These include child custody matters, domestic violence, probate, housing, and other cases affecting basic rights.

The Chief Justice urged legislators to support this proposed program and to provide court interpreter services in critical civil cases. Resources were withheld from a court interpreter bill last year due to funding concerns.

The Judicial Council, the constitutional body that the Chief Justice chairs, has allocated funds for self-help centers in the courts and hopes to create such centers in every court.

Independence of the Judiciary

The state’s top jurist also stressed the important function served by an independent impartial judiciary.

Judicial independence “does not describe judges who are unaccountable or free to decide cases based upon their personal preferences or political or social philosophy,” he stated. “To the contrary, it signifies judges who are bound to render decisions founded upon the law and facts before them independent of improper pressures and influences – judges whose allegiance is to the law, and not to partisan or special interests.”

The Chief Justice noted that in South Dakota last fall, an initiative measure would have abolished the immunity of judges from lawsuits, making them personally subject to monetary damages and even criminally liable based upon their judicial decisions.

The initiative failed, but only after every legislator and other elected officials urged a “no” vote and explained the detrimental impact of the measure.

“Unfortunately, the proponents of this measure are Californians who want to try it out in a few small states before bringing it to their home state,” the Chief Justice warned.

In closing, Chief Justice George said, “The state of the judiciary is certainly much improved over what it was when I delivered my first address to the Legislature in 1996. That progress is due in large part to the joint efforts of all three branches of government.”

The complete text of the Chief Justice’s “State of the Judiciary” Address is available on the California Courts Web site at http://www.courtinfo.ca.gov/reference/1_2speeches.htm.